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172A 3559

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

TOMIO SATOH

Serial No.: 10/813,342

Filed: March 30, 2004

For: **PIEZOELECTRIC OSCILLATOR**

Attention: Mail Stop PETITION

**PETITION TO REVIVE AN ABANDONED APPLICATION
UNDER 37 CFR 1.8(b) or 1.137(b)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant in the above-identified application hereby petitions the Commissioner to withdraw holding of abandonment and issue a patent to the above-identified application, and Applicant makes this petition based upon the facts below:

1. The above-identified application, U.S. Serial No. 10/813,342 was filed on March 30, 2004;
2. After the Office Action of December 18, 2003 and a Response of March 4, 2004 to this Office Action, a Notice of Allowance was issued on December 22, 2005.
3. On March 22, 2006, an Issue Fee was paid with the Fee Transmittal Form PTOL-85 with a Certified Copy of the Japanese Patent Application No. 2003-097417 accompanied. The undersigned signed on March 22, 2006 the Fee Transmittal Form PTOL-85 and further signed the Certificate of Mailing printed on the Form PTOL-85 and then mailed in an envelop addressed to the U.S. Patent Office with a return postcard via the U.S. Postal Service with a sufficient postage using the undersigned's postage machine. In addition, the issue fee payment was made with our check (check number 44173) in the amount of \$1712.00 including the issue fee for \$1,400.00, the publication fee for \$300.00 and the fee of

\$12.00 for four (4) additional copies of issued patent. A copy of the Fee Transmittal Form PTOL-85 and a check-payment record are enclosed.

4. Furthermore, the Certified Copy of the Japanese Patent Application No. 2003-097417 was sent to the Patent Office with the above-described issue fee payment, and the transmittal letter for filing the Certified Copy was signed by the undersigned and included a certificate of mailing stating the date of deposit which was March 22, 2006. A copy of the transmittal letter for the Certified Copy ("Letter re Filing of Priority Document") and a copy of the cover of the Certified Copy are enclosed.

5. All of the above is also shown on the copy of the front page of the undersigned's file which is also attached.

6. Despite the fact above, the undersigned received a Notice of Abandonment on May 12, 2006 reasoning of the applicant's failure to timely pay the required issue fee and publication fee within the statutory period of three months.

7. The undersigned carefully investigated this matter and found that the return postcard sent with the Fee Transmittal Form PTOL-85 and the Certified Copy has not been sent back to the undersigned, and our check (check number 44173) for the amount of \$1712.00 has not been cashed. Accordingly, it is believed that the issue fee payment which the undersigned made was lost in the mail or in the Patent Office.

8. However, as described above and as clearly seen from the enclosed copies, the issue fee payment was duly made on March 22, 2006, which was the last day of the set period of time, pursuant to 37 CFR 1.8(a) and therefore should be deemed to be timely. Nonetheless, in view of the fact that our check for the issue fee payment has not been cashed, the undersigned hereby authorize the Commissioner to charge \$1,712.00 to the undersigned account number 11-1445. In addition, the undersigned will resubmit the Certified Copy (priority document) of the Japanese Patent Application No. 2003-097417 as soon as one is reissued by the Japanese Patent Office.

9. In view of the above, fee for the present petition is believed not to be required; however, if it is required or if the above petition is unaccepted, the undersigned hereby respectfully petitions to revive the present application pursuant to 37 CFR 1.137(b) and the Commissioner is authorized to charge the Petition fee of \$1,500.00 in addition to the issue

fee amount of \$1,712.00 to Koda & Androlia Deposit Account No. 11-1445 owned by the undersigned, and the undersigned hereby states that the entire delay in filing the required reply was from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. In addition, since the present application was filed on March 30, 2004 and therefore on or after June 8, 1995, it is respectfully submitted that no terminal disclaimer is required.

10. In view of the above, it is respectfully requested that the present Petition be entered and granted and patent be issued promptly.

11. Please charge any additional costs incurred by or in order to implement this Petition or required by any request for extension of time to Koda & Androlia Deposit Account No. 11-1445.

The undersigned declares that all statements made herein are of my own knowledge and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

KODA & ANDROLIA

By:



William L. Androlia

Reg. No. 27,177

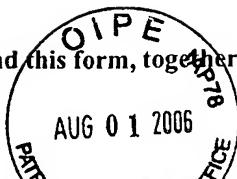
2029 Century Park East
Suite 1140
Los Angeles, CA 90067-2983
Tel: (310) 277-1391
Fax: (310) 277-4118

Certificate of Mailing	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:	
Commissioner for Patents	
P.O. Box 1450	
Alexandria, VA 22313-1450, on	
July 28, 2006	
Date of Deposit	William L. Androlia
Printed Name of person signing this certificate	
Signature	7/28/2006
Date	



PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with the filing fee, to:



Applicable fee(s), to: **Mail** Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571) 273-2885

COPY

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence, including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

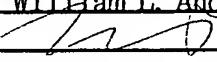
CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

003713 7590 12/22/2005

KODA & ANDROLIA
2029 CENTURY PARK EAST
SUITE 1140
LOS ANGELES, CA 90067

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

William L. Androlia Reg. No. 27,177 (Depositor's name)


(Signature)

(Date)

March 22, 2006

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,342	03/30/2004	Tomio Satoh	172A 3559	5085

TITLE OF INVENTION: Emitter Coupled Logic Oscillator Circuit

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$1700	03/22/2006

EXAMINER	ART UNIT	CLASS-SUBCLASS
CHANG, JOSEPH	2817	331-158000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).	2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.	1 <u>KODA & ANDROLIA</u> 2 _____ 3 _____
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3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

TOYO COMMUNICATION EQUIPMENT CO., LTD. KANAGAWA, JAPAN

Please check the appropriate assignee category or categories (will not be printed on the patent): Individual Corporation or other private group entity Government

4a. The following fee(s) are enclosed:

4b. Payment of Fee(s):

Issue Fee
 Publication Fee (No small entity discount permitted)
 Advance Order - # of Copies 4

A check in the amount of the fee(s) is enclosed.
 Payment by credit card. Form PTO-2038 is attached.
 The Director is hereby authorized to charge the required fee(s), or credit any overpayment, to Deposit Account Number 11-1445 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature Date 3/22/06Typed or printed name William L. AndroliaRegistration No. 27,177

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

KODA & ANDROLIA

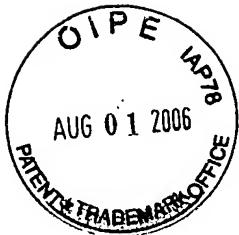
44173

HON. COMMISSIONER OF PATENTS & TRADEMARKS

3/22/2006

172A 3559	1,400.00
172A 3559	300.00
172A 3559	12.00

City National Bank - Cash 172A 3559 1,712.00



172A 3559

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

TOMIO SATOH) Attention: Mail Stop Issue Fee
Serial No. 10/813,342)
Filed: March 30, 2004)
For: EMITTER COUPLED LOGIC)
OSCILLATOR CIRCUIT)
)

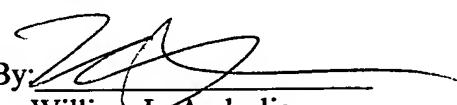
LETTER RE FILING OF PRIORITY DOCUMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In connection with the above-identified application, enclosed herewith please find one (1) certified copy of the corresponding Japanese Patent Application No. 2003-097417 filed on March 31, 2003, upon which Convention Priority is claimed.

Respectfully submitted,
KODA & ANDROLIA

By: 
William L. Androlia
Reg. No. 27,177

2029 Century Park East
Suite 1140
Los Angeles, CA 90067
Tel: (310) 277-1391

Certificate of Mailing	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:	
Commissioner for Patents	
P.O. Box 1450	
Alexandria, VA 22313-1450, on	
March 22, 2006	
Date of Deposit	3/22/2006
William L. Androlia	
Printed Name of person signing this certificate	
Signature	Date

本 国 特 許
JAPAN PATENT OFFICE

別紙添付の書類に記載されている事項は下記の出願書類に記載されて
る事項と同一であることを証明する。

This is to certify that the annexed is a true copy of the following application as filed
with this Office.

出 願 年 月 日 2003年 3月 31日
Date of Application:

出 願 番 号 特願 2003-097417
Application Number:

国際条約による外国への出願
を用いる優先権の主張の基礎
となる出願の国コードと出願

country code and number
of our priority application,
used for filing abroad
under the Paris Convention, is

J P 2003-097417

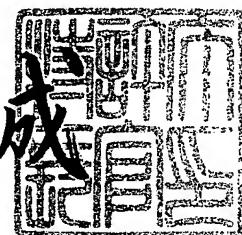
出 願 人 エプソントヨコム株式会社
Applicant(s):

2006年 1月 25日

特許庁長官
Commissioner,
Japan Patent Office

中 鳴

誠



Inventor	Tomio Sato			
Serial Number	10/813,342	Date Filed	3/30/04	19
Title	Piezoelectric Oscillator Emitter Coupled Logic Oscillator Circuit			
Assignee	Toyo Communication Equipment Co., Ltd.			
Assignment Record	3/30/04	Reel	015164	Frame 0683

PAPERS FILED AND/OR RECEIVED FROM THE PATENT OFFICE

Appl. filed OR	3/30/04 6/24/05 9/24/05	Priority Due Response due Response due	3-31-04 9/24/05 10/24/05
-extended (D)			
Amendment filed (withdrawn)	10/6/05		
NOA	12/22/05	IF/PF due	3/22/06
IF/PF RAID	3-22-06		
PRIOR. DOC SENT TO PO.	3-22-06		

Inventor

Serial Number

Allowed	Final Fee Paid
Patent Number	Date
Additional Issue Fee Due	Date Paid
Washington Associate	
Attorney Responsible	

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Piezoelectric Oscillator
SUZUKI 172A 3554